

Chapter 13: Tribal Enforcement

Section 13.010 Honoring Tribal Orders and Establishing Orders on Tribal Cases

This section provides information about orders on cases with tribal connections.

CONTENTS

Laws	28 USC 1738B full faith & credit for child support orders Chapter 26.25 RCW cooperative child support services - tribes Chapter 37.12 RCW tribal relations Washington State Centennial Accord of 1989
Policy	Some state/tribal cooperative agreements and informal processes require referral to the tribe for the establishment of paternity and/or child support. Give full faith and credit to tribal orders.
Procedure	Follow the agreement that the tribe has with DCS. Give full faith and credit to tribal orders and document tribal order information on SEMS. Consult the Tribal Liaison if you need to serve on or near a reservation.
Visual Aids	Tribal Relations Internet site Tribal Chart 1 SEMS Web TI - Tribal Information
Automated Actions	
SEMS Screens	BC , OR , IA , ES , CC , BI
Forms Used	Most DCS forms note procedures for tribal cases.
Hearing and Conference Board Rights	Refer all requests to the Regional Tribal Liaison or Tribal Claims Officer.
See Also	DSHS Administrative Policy 7.01 PCM/Admin Policy - Claims Officers in Tribal Court Federal Indian Policy Chapter 6 - Establishment of a Support Obligation Chapter 7 - Hearing and Conference Board Rights Chapter 19 - Debt Calculation

PROCEDURES

A. What do I need to know about orders on cases with tribal connections?

1. Individual tribes may have formal or informal agreements with DCS regarding the establishment of paternity and/or child support. Some agreements include referral to the tribe or tribal court for child support establishment. Contact your Tribal Liaison regarding these cases.
2. Give full faith and credit to tribal orders, as you would any superior court order. **Exception:** Do not give full faith and credit to court orders entered by Rudy James as Chief Judge. This includes orders entered by The Combined Tribal Court of Thlingit Law, The Kuiu Nation Traditional Tribal Court, and perhaps others. Contact ESA STRU regarding these orders.
3. If you have a tribal order that may have child support implications, post the order's Tribal Affiliation and Resulting Order type to the **OR**. This includes orders for custody, dependency, divorce, etc.
4. If you have a tribal order that does not address child support, contact the Tribal Liaison. Do not automatically serve an administrative notice to establish support as the tribal court or local agreement may guide this issue.
5. Do not consider Colville Confederated Tribal Settlement Claim #181-D money as income or resources for any IV-D program purpose (establishment, collection, modification).
6. See Section 13.035 for the procedure to correct inaccurate administrative default orders on tribal cases.
7. If there are overlapping state and tribal orders on a case, refer the case to your Regional Tribal Claims Officer for review. See also Chapter 6.130.

B. What if I need to serve on a reservation?

1. Always consult the Regional Tribal Liaison when you need to serve on a reservation.
2. Contact ESA STRU if DCS has been unable to proceed with service.